

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KRISTY McCORKLE,

Plaintiff,

v.

UNITED HEALTHCARE INSURANCE
COMPANY,

Defendant.

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CIVIL ACTION NO.

COMPLAINT

COMES NOW, Plaintiff in the above-styled action, KRISTY MCCORKLE, (hereinafter “Ms. McCorkle”), and, pursuant to the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§1001 et seq., shows this Court the following:

1.

Ms. McCorkle is an individual residing at 176 Rankin Circle, McDonough, Henry County, Georgia 30253.

2.

Ms. McCorkle is a plan participant as defined by ERISA, and brings this action pursuant to 29 U.S.C. §1132(a)(1)(B) to recover benefits due to her under the terms of her plan.

3.

Ms. McCorkle was employed as a Transformation Specialist for Aledade, Inc., which provided a Short-Term Disability (STD) Plan administered by United Healthcare Insurance Company (hereinafter “Defendant”) Policy Number: 308848 (hereinafter “the Plan”).

4.

Defendant is a corporation organized and existing pursuant to the laws of the State of Connecticut. Defendant at all times relevant to this Complaint maintains offices and conducts business in the State of Georgia. Service of process may be perfected upon Defendant's registered agent, C.T. Corporation System, 289 S. Culver Street, Lawrenceville, Gwinnett County, Georgia 30046-4805.

5.

Jurisdiction is proper in this Court pursuant to 29 U.S.C. §1132(e)(1).

6.

Venue is proper pursuant to 29 U.S.C. §1132(e)(2).

7.

At all relevant times hereto, Aledade, Inc., was an employer engaged in commerce; therefore, the Plan is governed by ERISA pursuant to 29 U.S.C. §1003(a).

8.

At all times during the course of her employment with Aledade, Inc., Ms. McCorkle was a participant in the Plan and is, therefore, entitled to benefits from the same.

9.

On or about March 14, 2022, Ms. McCorkle was unable to continue working due to the effects of long haul COVID, which included mental fatigue, memory loss, twitching in her face, headaches, dizziness, depression, and anxiety.

10.

Given that these impairments precluded her from performing some or all of the "material and substantial duties" of her "regular occupation," Ms. McCorkle filed an STD claim with

Defendant under the Plan.

11.

Upon review, Defendant denied Ms. McCorkle's claim contending that she did not meet the Plan's "disability" definition because her impairments were not of sufficient severity to preclude her from performing the job requirements of her occupation as a Transformation Specialist.

12.

Ms. McCorkle timely appealed Defendant's decision and provided medical and vocational documentation that demonstrated she was "disabled" under the terms of the Plan.

13.

However, despite Ms. McCorkle's argument and submissions, by letter dated May 8, 2023, Defendant upheld its decision to deny Ms. McCorkle's STD claim and indicated its decision was final.

14.

Defendant's denial of Ms. McCorkle's STD claim was incorrect and "arbitrary and capricious," and was the result of its disregard of the medical and vocational documentation showing that Ms. McCorkle was "disabled" under the terms of the STD Plan.

WHEREFORE, Ms. McCorkle prays that this Court:

(a) Order Defendant to pay Ms. McCorkle the amount of her full STD benefits accrued and unpaid to date;

(b) Order Defendant to pay Ms. McCorkle interest on all monies due and owed;

(c) Deny Defendant any applicable offsets as equitable relief;

(d) Award Ms. McCorkle reasonable attorneys' fees, and cast all costs of this action

against Defendant; and

(e) Provide Ms. McCorkle such other and further relief that this Court may deem appropriate under the circumstances.

RESPECTFULLY SUBMITTED, this 6th day of September, 2023.

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& HINSON, LLP
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